UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/SR.33
16 April 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 April 2002, at 10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

CONTENTS

ORGANIZATION OF THE WORK OF THE SESSION (continued)

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.02-12381 (E) 120402 160402

The meeting was called to order at 10.15 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRPERSON said that the Expanded Bureau of the Commission had met several times to address the difficult situation that had arisen as a result of the discontinuation of evening and night meetings. It had concluded that, despite the reduced speaking-time limits, the Commission would not be in a position to consider all the items on its agenda. Accordingly, the Bureau proposed a number of emergency measures to overcome the difficulties.

2. Some of the agenda items would be clustered and participants would be permitted to speak only once under each cluster. The right of reply would be exercised only once for each item or cluster of items. National institutions would be given the opportunity to speak under agenda item 18 for a combined period of one hour. It would be the responsibility of the Coordinating Council to divide the time among the institutions.

3. In view of the time gained by the clustering process, it would not be necessary to reduce further the speaking-time limits. However, participants speaking under item 11 would not be entitled to the usual additional minute. If participants inscribed on the list of speakers were unable to take the floor because of the time limits, they would be given the possibility to circulate their statements as official documents.

4. He took it that the Commission wished to adopt the Bureau's proposals.

5. It was so decided.

6. Mr. HERNANDEZ BASAVE (Mexico) said his delegation had not objected to the proposal because all its elements could be readjusted if necessary. However, it was regrettable that the speaking time of the national institutions would be restricted and that non-governmental organizations (NGOs) would not have the opportunity to speak under every agenda item. He also thought it unrealistic to assume that the Commission would be able to reach decisions on over 40 draft resolutions by the end of the session. Lastly, steps should be taken to ensure that the Commission's report would be made available in all the official languages as soon as possible.

7. Mr. SABHARWAL (India) said that it would be useful if the members of the Commission could receive a copy of the decision in writing.

8. Mr. FERNANDEZ PALACIOS (Cuba) said his delegation had agreed to the proposed measures on the understanding that they were of an emergency nature and would apply only to the current session. The chaotic situation facing the Commission was partly due to the fact that no in-depth consideration had ever been given to the question of revising its methods of work. His delegation would submit a draft proposal on the matter.

9. Ms. GERVAIS-VIDRICAIRE (Canada) said that her delegation shared the concern expressed by the representative of Mexico about the speaking time for NGOs. The matter needed clarification. NGOs should be duly informed of the speaking time available to them under each item or cluster of items.

10. Mr. SOUALEM (Algeria) said he was concerned that national institutions would be given the opportunity to speak under agenda item 18 for a combined period of only one hour.

11. The CHAIRPERSON said every effort would be made to facilitate the work of the Commission. He assured the members that the proposal took fully into account the valuable role played by NGOs in the Commission's work and guaranteed that they would be given an opportunity to express their views.

12. As for the speaking time available to national institutions, he recognized that the situation was a difficult one and that it was regrettable that no more time could be allocated to them.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (E/CN.4/2002/83 and Add.1-3)

13. Mr. JERANDI (Tunisia), Chairperson of the Commission on the Status of Women, said that five resolutions had been adopted at the most recent session of the Commission on the Status of Women, including a resolution on mainstreaming a gender perspective into all policies and programmes in the United Nations system. The resolution welcomed the inclusion of a regular sub-item on gender mainstreaming in the agenda of the Economic and Social Council and the Council's decision to devote, before 2005, a coordination segment to the review and appraisal of the system-wide implementation of its agreed conclusions on mainstreaming a gender perspective into all policies and programmes of the United Nations (1997/2).

14. A resolution had also been adopted on women, the girl child and human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), which reaffirmed the need to implement the Declaration of Commitments adopted at the recent special session of the General Assembly, and highlighted the role of gender equality and the empowerment of women in reducing the vulnerability of women to HIV/AIDS. It also invited the Secretary-General, in his reports on HIV/AIDS, to take into account a gender perspective.

15. The Commission on the Status of Women had recommended to the Economic and Social Council for adoption a draft resolution on the situation of women and girls in Afghanistan, including detailed recommendations for the Afghan Interim Authority, the future Afghan Transitional Authority, the United Nations and its agencies, international organizations, NGOs and multilateral and bilateral donors, with respect to the repeal of discriminatory legislation, support for the political participation of women, the rights of women to work, education, security

of person, freedom of movement and the enjoyment of the highest standards of physical and mental health, and their right to own property. The draft resolution welcomed the continuing efforts of United Nations organizations to mainstream a gender perspective and their efforts to reappoint a senior gender adviser in the Office of the Resident/Humanitarian Coordinator or the Office of the Special Representative of the Secretary-General, and invited the Special Rapporteur on the situation of human rights in Afghanistan to continue to give special attention to the human rights of women and girls there.

16. The Commission on the Status of Women had considered the topic of eradicating poverty through the empowerment of women throughout their life cycle in a globalizing world. In its agreed conclusions, the Commission recognized that globalization had left many women marginalized and deprived of basic social protection, and affirmed gender equality and women's empowerment as important strategies in the eradication of poverty.

17. It had also considered the issue of the environmental management and mitigation of natural disasters from a gender perspective, and its agreed conclusions were the first international intergovernmental document which considered the gender implications of those issues in a comprehensive way, recognizing the need to enhance women's capacity to respond to natural disasters.

18. The Commission on the Status of Women had adopted three decisions aimed at improving its working methods. The first changed the timing of the election of the Bureau, to ensure greater continuity; the second introduced the option of high-level round tables as a further means for sharing national experience during its sessions; and the third aimed to make its communications procedure more effective and efficient. In a fourth decision, the Commission acknowledged that the responses submitted by Governments to confidential communications indicated their commitment to improving the status of women, and recommended further public education campaigns and training for law-enforcement personnel and other officials with respect to the Convention on the Elimination of All Forms of Discrimination against Women and other relevant human rights documents.

19. The Commission on Human Rights had been instrumental in increasing the understanding that gender had an impact on the enjoyment of all human rights and that it was an important dimension in the substantive definition of human rights. More had to be done, however, to translate that growing understanding into a practical reality. It was crucial to maintain and build on the cooperation between the two Commissions for the achievement of their common goal of gender equality and the worldwide realization by women of their human rights.

20. Ms. COOMARASWAMY (Sri Lanka) Special Rapporteur on violence against women, its causes and consequences, said that, due to speaking time constraints, she would not be reading an oral introduction of her reports (E/CN.4/2002/83 and Add.1-3). In addition to the main report there were three addenda, on missions to Sierra Leone and Colombia and communications to and from Governments.

21. Although the special rapporteurs wanted to assist the Commission and understood its difficulties, they also wished to highlight their concern at the decision to curtail the time available for introducing their reports. In fact, some special rapporteurs had had to leave the session without doing so. The system of special rapporteurs was an extremely important aspect of the Commission's work and she hoped that, in the future, they would be given time to present their work fully to the Commission.

22. Mr. KHYNE-SAM (Sierra Leone) said that his delegation welcomed the report by the Special Rapporteur on violence against women, its causes and consequences and congratulated her on a job well done. It wholeheartedly agreed with her findings and had taken note of her recommendations. He wished to inform the Commission that his country's Ministry of Social Welfare, Gender and Children's Affairs had incorporated her recommendations into some new mechanisms which had been put in place for the benefit of women who had suffered during the rebel war.

23. Mr. REYES RODRIGUEZ (Observer for Colombia) said that, in keeping with its policy, his Government had cooperated with the Special Rapporteur during her visit. However, it did not agree with many of the views expressed in her report. To cooperate with the Commission and take account of the time constraints, his delegation would exercise its right of reply and distribute his Government's official response to the report in the afternoon meeting.

24. Ms. ABAKA (Chairperson of the Committee on the Elimination of Discrimination against Women) said that the Committee had been pleased to observe the steady increase in the number of States accepting the obligation to be bound by the Convention on the Elimination of All Forms of Discrimination against Women, although it still fell short of the goal of universal ratification by 2000. Acceptance of the Optional Protocol had also been encouraging, with 34 parties to the Convention having ratified or acceded to it and 73 having signed it to date.

25. Since the Commission's fifty-seventh session, the Committee had adopted a number of important statements: one for the special General Assembly session on children recognizing that the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child were complementary instruments, and three others adopted at the Committee's twenty-sixth session in February 2002, one expressing solidarity with Afghan women, one on ending discrimination against older women and one on gender and sustainable development.

26. The Durban Conference had offered the Committee an opportunity to ensure that the Declaration and Plan of Action reflected the gender perspective and it was hoped that, if possible, all six human rights treaty bodies would elaborate a common programme of implementation for the Durban Plan of Action at their first ever inter-committee meeting.

27. She acknowledged the support which the Committee had received from the Commission and looked forward to receiving further assistance and encouragement, while pledging that the Committee would continue to work cooperatively with the Commission and the Office of the High Commissioner for Human Rights (OHCHR).

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued) (E/CN.4/2002/50, 51 and Add.1, 52 and Add.1, 53, 54, 55 and Add.1, 56, 57, 58 and Add.1, 59 and Corr.1, 60 and Add.1 and 2, 61, 62, 132, 133, 141, 148, 161 and 171; E/CN.4/2002/NGO/3, 4, 6, 24, 37, 48, 59, 66-69, 92, 121-123, 179-181 and 198-200; A/55/342; E/CN.4/Sub.2/2001/10 and 13)

28. Ms. INAYATULLAH (Pakistan) said that poverty was still the most pervasive violator of human rights and a major obstacle to their realization. While the fight against terrorism had been launched at global and national levels, the fight against poverty had barely begun in many parts of the world. Although developing countries were battling to retain control over their sovereignty and prevent themselves becoming underdeveloped or marginalized, measures to reduce poverty and meet the goals of the United Nations Millennium Declaration should be global and not just national.

29. The consequences of the inequitable functioning of the international economic and financial system were alarming. In the poor and developing countries one woman died every minute during childbirth, 11 million under-fives died each year from preventable diseases, 1 billion people lacked access to clean water and 2.4 billion lacked access to basic sanitation. Although the World Conference on Human Rights had stated that all human rights were equal, a successful strategy for the realization of economic, cultural and social rights could be based only on making economic development integral to long-term international peace and security through enhanced and predictable aid, trade and debt relief to developing countries.

30. Her Government had taken practical steps to eradicate poverty through its development strategy and had also entered into a Poverty Reduction and Growth Facility Programme with the International Monetary Fund (IMF).

31. The Commission should make an urgent assessment of the obstacles to the realization of developmental rights and call for an inclusive global democracy in which all countries participated in international economic decision-making; the developed countries accepted that under-development was not merely the result of inadequate governance but also of international inequality; international economic, financial and trading rules were redesigned; barriers to agricultural products from developing countries were lowered and debt-reduction strategies accelerated. Although lacking in focus, the Consensus agreed at the International Conference on Finance for Development and the Declaration adopted at the Fourth Ministerial Conference of the World Trade Organization (WTO) attempted to deal with some of those issues. However, the time had come for the international community to translate its commitments into action.

32. Mr. PEREZ-VILLANUEVA y TOVAR (Spain), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that acceptance of the principle that all human rights were universal, interrelated and indivisible was demonstrated by the fact that most States had chosen to become legally bound by both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Union encouraged all those States which had not yet done so to ratify the two Covenants.

33. The two categories of human rights - economic, cultural and social and political and civil - were mutually reinforcing and had a number of common denominators such as the recognition of the inherent dignity of the human person and the principles of equality and non-discrimination. However, economic, social and cultural rights, which were of particular importance to disadvantaged groups of the population, were not being realized to the same extent as political and civil rights throughout the world. Although it was impossible to achieve full implementation of economic, social and cultural rights in a short period of time, deliberate and practical steps had to be taken by the parties towards meeting their obligations under the Covenant, making the most efficient use of available resources.

34. The Committee on Economic, Social and Cultural Rights played an important role in assisting Governments to meet their obligations under the Covenant but the Union believed that there was a need to link the internationally recognized standards of economic, social and cultural rights to the work of the specialized agencies, international financial institutions and United Nations funds and programmes. However, with regard to the proposed elaboration of an optional protocol to the Covenant incorporating a mechanism for individual complaints, the Union was of the opinion that, if such a mechanism was to be established, it must be provided with a clear legal framework and avoid any overlap with existing mechanisms.

35. The Union reaffirmed that the eradication of poverty and the full enjoyment of human rights were interrelated. Poverty was frequently the result of different types of discrimination and a better understanding of the links between discrimination and poverty was needed. The Union therefore urged Governments to identify ways in which they could support development based on principles of equality and social inclusion. Discrimination against women was an important obstacle to the eradication of poverty and gender equality and women's education should be promoted as an effective means of combating poverty, hunger and disease and stimulating sustainable development.

36. The Monterrey Consensus offered extraordinary scope for action in the field of economic, cultural and social rights. The Union was also confident that the review of progress since the Rio Conference at the World Summit on Sustainable Development in September 2002 would supply the necessary framework for further consideration of and action on those rights, which were an essential component of any programme of sustainable development.

37. The Union welcomed the convening of the World Social Forum, which would meet for the first time in 2002 to discuss the relation between poverty reduction and the realization of the right to food. Hunger was an affront to human dignity and Governments had the responsibility to protect their people and adopt all necessary measures to ensure the implementation of that right. The Union was committed to the target set out in the 1996 World Food Summit and the United Nations Millennium Declaration, namely, to halve the number of people suffering from hunger by 2015. It also stressed the need to guarantee the right to adequate housing, paying particular attention to women, children and communities living in extreme poverty and ensuring non-discriminatory access to housing.

38. Some important demographic changes had taken place over the previous 20 years and there was a need to recognize and further the contributions made by elderly people to society. In connection with the World Assembly on Ageing, the Union urged States to participate actively in

drawing up a new long-term action plan on ageing, taking into account not only the situation in developed countries but also that in developing countries and countries with economies in transition.

39. Education was increasingly considered to be a fundamental vehicle for development, since the right to education contributed to the enjoyment of many other human rights. The Union therefore urged States to contribute to creating an integrated conceptual framework and to adapt education to the goals of poverty eradication, gender equality and the prevention of violence.

40. Of equal importance was the right of everyone to enjoy the highest attainable standard of physical and mental health. The Union welcomed the efforts undertaken within the United Nations system to promote the protection of that right and urged that all possible efforts be made to realize the commitments undertaken in the Programme of Action for the Durban Conference and other relevant documents.

41. Mr. VEGA (Chile), speaking on behalf of the Latin American and Caribbean Group, said he wished to mention two of the many topics of interest in the area of economic, cultural and social rights, the first being access to medication in the context of pandemics such as HIV/AIDS. In 2001, the question of access to medication had mobilized international public opinion and deserved the attention not only of the Commission but also of the General Assembly and the Durban Conference. By the end of the year, there had been some highly relevant achievements such as the establishment of the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria and the inclusion in the Doha Ministerial Declaration of an interpretation of the TRIPS agreement and public health. The Commission had also made a notable contribution to the debate by recognizing that access to medication was essential for the full implementation of everyone's right to the highest possible level of health. However, there was still much to be done and the Group for which he was speaking hoped that, at its current session, the Commission would express renewed support for access to medication in the context of pandemics.

42. The second topic was the need to improve the mechanisms available to the United Nations for promoting and protecting economic, social and cultural rights. Although the "status" of the two sets of human rights had been settled at the Vienna Conference, much remained to be done to correct the asymmetries within the corpus of binding legal instruments in the field of human rights. For example, the Human Rights Committee had a mechanism for receiving and considering individual communications, whereas the Committee on Economic, Social and Cultural Rights did not. The recognition of economic, social and cultural rights implied the assumption of obligations on the part of the State and there was a need for effective means of assessing progress in the fulfilment of those obligations. He proposed that a working group should be set up to examine the matter. A draft optional protocol that had been prepared by the Committee on Economic, Social and Cultural Rights would form a sound basis for its work.

43. Mr. SABHARWAL (India) said that, although some progress had been made on the conceptual level in respect of economic, social and cultural rights, grinding poverty and the marginalization of individuals and societies continued unchecked.

44. Although his country's Constitution had preceded the adoption of the International Covenant on Economic, Social and Cultural Rights, it had been deeply influenced by the Universal Declaration of Human Rights: a chapter on the "Directive Principles" of State policy had been incorporated to ensure the progressive realization of economic, social and cultural rights. The Supreme Court had subsequently ordered that the Principles must be "read into" the Fundamental Rights contained in the Constitution, since the two sets of rights were supplementary to each other. The Court had also ruled that the right to life included the right to live in human dignity, along with all the necessities of life.

45. The right to education was the key to the enjoyment of many other human rights. Following a landmark judgement by the Supreme Court in 1993, many States and territories in India had enacted laws on compulsory education. A proposal had been made by a ministerial committee that the Constitution should be amended to make the right to free elementary education a Fundamental Right. A bill to that effect had been introduced in Parliament and passed by the lower house.

46. The Government had also set the following objectives to achieve the long-cherished goal of universal elementary education: all children would receive some schooling by 2003, five years of primary schooling by 2007 and eight years by 2010. The aim was to bridge all gender and social category gaps at the primary stage by 2007 and at elementary education level by 2010. As a sign of the priority given to elementary education, a supervisory body headed by the Prime Minister had been set up.

47. The realization of economic, social and cultural rights in developing countries continued to suffer from a lack of resources. National action should be matched by vigorous international cooperation to make the requisite resources available to developing countries. It was a factor that should be borne in mind in the course of reflection on the proposed optional protocol to the International Covenant.

48. Mr. VIEIRA (Brazil) said that, despite the progress that had been made since the Vienna Declaration and Programme of Action, many of the commitments of that time had not been fulfilled. For example, the Commission had no mechanism to follow up the implementation of various basic rights, especially the right to health. That was an issue of growing importance, not only because of the scale of the problem - 27 per cent of the world's population had no access to health services - but also because of its moral challenge. Moreover, the problems faced by victims of disease were often human rights problems.

49. The Commission had not ignored the issue altogether: at its fifty-sixth session, it had recognized that access to medication in the context of pandemics such as HIV/AIDS was an essential element in the full realization of the right to health. That had been a small step on a long road. It was time to proceed further, on the basis of General Comment 24 of the Committee on the Elimination of All Forms of Discrimination against Women and General Comment 14 of the Committee on Economic, Social and Cultural Rights. It was essential that practical measures should keep abreast of the conceptual advances.

50. The Commission could no longer refrain from examining national and international efforts to implement the right to health. It was the appropriate forum for such a task, not only in its plenary sessions but also through an ongoing dialogue with Governments, United Nations bodies and representatives of civil society. Assessments should be made in the field and recommendations put forward on how best to promote the right to health. Staff with a thorough knowledge of human rights would be needed and a special rapporteur should be appointed since otherwise nothing would be done. His delegation had therefore submitted a draft resolution to that effect.

51. Mr. FERRER RODRÍGUEZ (Cuba) said that the World Conference on Human Rights had called on States to refrain from measures that created obstacles to trade relations among States and impeded the full realization of the human rights set forth in the Universal Declaration of Human Rights and the international human rights instruments, with particular reference to the right to a standard of living adequate for health and well-being. The Conference had also affirmed that food should not be used as a tool to apply political pressure.

52. The Government of the United States of America, however, maintained unilateral, coercive economic measures against many small and underdeveloped countries. The oldest and most genocidal measure of them all was its economic, commercial and financial blockade against Cuba for the past 42 years. Moreover, the blockade was internationalized by the imposition of rules on third States. The United States had consistently ignored General Assembly resolutions, calling for an end to the blockade.

53. The tragic consequences had been verified by a report from the American Association for World Health which had concluded that the blockade had dramatically affected the health and nutrition of a great number of Cuban citizens. The blockade violated the Charter of the United Nations and the international conventions on human rights and international humanitarian law, and even violated the rights of the people of the United States, who were denied access to medicines and equipment developed in Cuba.

54. Far from becoming more flexible, the blockade was being intensified. The number of fines imposed on American citizens travelling to Cuba had increased from 188 in 2000 to 766 in 2001. A few days previously, a Canadian businessman had been convicted under the United States Trading with the Enemy Act because he had sold chemical products for making water drinkable in Cuba. For that "crime", the man faced a sentence totalling over 200 years and a US$ 5 million fine.

55. Cuba's recent purchases of food and medicine from the United States, paid for in cash had been due to the most devastating hurricane to hit the country in the past 50 years. Despite the urgent and humanitarian nature of the purchases, there had been delays in the granting of licences to the companies supplying and the ships transporting the goods. Two United States ministers had confirmed that the sales did not imply a weakening of the blockade.

56. Mr. TIBARUHA (Uganda) said that the rights contained in the International Covenant on Economic, Social and Cultural Rights, to which his country was a party, were enshrined in the Constitution, which also contained a detailed statement of National Objectives and Directive

Principles of State Policy. Article 40 provided for the right to work in safe and healthy conditions, to receive equal pay for equal work, to practise an occupation freely and to join a trade union.

57. The policy of his Government, as a founder member of WTO, was to promote the realization of economic rights through the development of the private sector. Under the 1993 Public Enterprises Reform and Divestiture Statute, parastatal entities had been privatized, while the 1991 Investment Code enabled the Uganda Investment Authority to help private investors set up enterprises in various sectors of the economy. The private sector had set up its own organization - the Private Sector Foundation - whose objective was to work closely with the Government to facilitate private investment and export promotion.

58. Article 31 of the Constitution provided for the rights of the family. Men and women had the right to marry from the age of 18 onwards and to found a family. They had equal rights in marriage and in its dissolution. Wives had rights to property and to inheritance. Parents were duty-bound to care for and bring up their children. The relevant legislation was the Marriage Act, the Customary Marriages (Registration) Decree, the Succession Act and the Children Statute, which incorporated the provisions of the Convention on the Rights of the Child. The right to education, provided for by article 30, was being gradually implemented as resources became available. In 1997, universal primary education had been introduced for four children per family. To correct the gender imbalance in higher education, university entry requirements were slightly weighted by an extra point in favour of girls over boys.

59. In the field of health services, the policy was to build hospitals where possible. The main problem, however, was the fight against the spread of HIV/AIDS, spearheaded by the Uganda AIDS Commission. The President's crusade against HIV/AIDS had been internationally recognized.

60. In accordance with article 246 of the Constitution, his Government had restored cultural institutions and traditional leaders that had been abolished by previous Governments.

61. Mr. MINDUA KESIA-MBE (Democratic Republic of the Congo) expressed disappointment at the fact that certain Governments had chosen a time of opportunity for development to launch wars of conquest and occupation, thus compelling the countries under attack to devote their resources to the recovery of their territorial integrity and their sovereignty. That was the position of his country, whose eastern neighbours were waging a war of aggression in order to seize its natural resources, which ought to be enabling the Government to guarantee the people's economic, social and cultural rights.

62. The report of the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth (S/2001/357) stated that gold, diamonds, coffee and even rare animal species had been seized and exported by other countries. Such illicit acts had a serious effect on his people's enjoyment of their rights as well as their sovereignty over their resources. Security Council resolution 1376 (2001) had reiterated the condemnation of all illegal exploitation of his country's natural resources.

63. In addition to the regular destruction of their fields and the theft of their livestock, the peasants of the areas affected were often forced to sell their produce only to traders that were citizens of the invader countries. The long-term result had been to create poverty at the local level. Humanitarian organizations stated that the general atmosphere of fear in the occupied territories had discouraged people from cultivating their land and caused a sharp drop in agricultural production, thus increasing famine in the area. The result had naturally been the outbreak of diseases due to malnutrition, particularly among the most vulnerable sectors of the population. When the lands of Manono and Kiambi in North Katanga had become accessible in January 2001, an NGO had carried out a survey which revealed a 27.79 per cent rate of severe malnutrition among children under five. He called on the Commission to support action leading to an embargo on the export and sale of goods illicitly acquired from the eastern region of his country.

64. Mr. IBRAHIM (Syrian Arab Republic) said that the Commission's debate demonstrated the international community's concern at the fact that the enjoyment of economic, social and cultural rights had not been attained. It was deplorable that the commitments to eliminate poverty and disease and to remove the obstacles to development, set forth at the World Conference on Human Rights were still no nearer fulfilment. The reason was the gap between the adoption of resolutions and the establishment of implementation mechanisms. The struggle must continue.

65. The digital revolution would be useful, but greater international cooperation would be required to assist those who still remained disadvantaged in that regard. Great improvement could be made in health products and in food, although the question of genetically modified foods needed further scientific examination.

66. Of paramount importance was the issue of HIV/AIDS. The developed countries must not use intellectual property rights as a pretext for not providing medicines to all those requiring them. Ultimately, the human being was more important than profits. Ways must also be found to deal with foreign indebtedness and provide greater trading opportunities for the sustainable economic development of the less developed countries. Selfish national policies should not form an obstacle to the enjoyment by all countries of their economic, social and cultural rights. Globalization, which exacerbated poverty and its associated ills, should be dismantled.

67. In his own country, the Israeli occupation of the Syrian Golan, in defiance of United Nations resolutions, meant that a large proportion of the country's resources had to be devoted to dealing with the effects thereof.

68. Ms. HOANG BICH LIEN (Viet Nam) said that, in accordance with the Vienna Declaration and Programme of Action, the Commission should devote as much attention to economic, social and cultural rights as to civil and political rights. The fact was that over 1 billion people in developing countries were still living in extreme poverty. In some countries the per capita gross domestic product (GDP) was US$ 100, as against US$ 25,000 in many developed countries. The gap between developed and developing countries had been widening further. Poverty must be defined not simply in terms of lack of income but also in terms of

inability to realize a person's potential. Thus, if the root cause of poverty were not addressed, it would be impossible to realize economic, social and cultural rights in many developing countries.

69. Her Government put human development at the centre of its policies and had therefore made poverty reduction a priority, implementing national programmes and combining economic growth with social justice. The renovation (Doi Moi) process had achieved tremendous results: economic growth had been 7 per cent per annum since 1990 and the incidence of poverty had been halved during that same period, from 34 to 17 per cent. Living conditions and incomes had increased and housing, electricity, durable goods and clean water were all widely available. The health-care system was well developed, with almost all communes having a basic service; basic vaccinations were free and compulsory for all children, polio had been eliminated and special attention was given to care for disabled children, in particular those with war-related injuries. All children received at least a primary education and the literacy rate had reached 95 per cent.

70. Ms. BI Hua (China) said that the Commission was at the centre of United Nations human rights efforts and should play a greater role in enhancing the enjoyment of economic, social and cultural rights by all the peoples of the world. Those rights made an important contribution to the realization of other categories of human rights. Despite tremendous economic progress, however, some serious challenges still remained. In the past, the United Nations had tended to concentrate on civil and political rights. The time had come to correct that imbalance and OHCHR should allocate more resources to the effective realization of economic, social and cultural rights.

71. Effective international cooperation based on equality and mutual respect was also necessary to remove the obstacles to the realization of economic, social and cultural rights. The developed countries must show more political will and promote measures such as debt relief and increased official development assistance (ODA). Efforts should also be made to help the developing countries minimize the negative effects of globalization, encourage equal participation by them in global economic decision-making and ensure greater enjoyment of economic, social and cultural rights by their people.

72. Full realization of economic, social and cultural rights would be a gradual process and countries were entitled to choose their own development models based on their national conditions. The international community could formulate relevant policies and define indicators but it should heed the views of the many developing countries. Decisions taken hastily tended to be counterproductive and should be avoided.

73. On 20 February 2001, the National People's Congress of China had ratified the International Covenant on Economic, Social and Cultural Rights. In 2001, China's GDP had increased by 7.3 per cent and the per capita income of urban and rural dwellers had increased by 8.5 per cent and 4.2 per cent respectively. Social security and social welfare programmes were steadily improving and the number of people living in poverty had been reduced still further. The standard of living of the Chinese had improved and they continued to work peacefully for an even better tomorrow. Her Government was committed to promoting further the level of economic, social and cultural rights enjoyed by its people and stood ready to work with other countries in the common effort to realize those rights for all.

74. Mr. MACEDO (Mexico), having stressed his Government's commitment to economic, social and cultural rights and the elimination of persistent problems such as marginalization and poverty, said that its policies were aimed at human development; and at finding solutions to the problem of poverty. The immediate needs of the marginalized sectors of the population would be addressed with a view to helping them enter productive life and breaking the vicious inter-generational cycle of poverty. Priority had been given to the areas of food, education, health and rural development. An umbrella strategy, called "CONTIGO", based on the principle of shared responsibility had been established to play a coordinating role.

75. One of the programmes aimed at reducing poverty, the Opportunities Programme, offered structural economic support to mothers with a view to empowering them, maximizing the results of their efforts and ensuring gender equality in their communities. Some 3.2 million families had benefited from that programme to date and it was expected to reach more than 4 million families in the medium term.

76. Another programme, the Programme for Microregions, promoted coordination between the authorities, in their three manifestations, and civil society in the allocation of priorities and resources. The total population of the regions where the initial phase of the programme was in progress was 5.5 million persons, of whom 3.4 million were indigenous.

77. Social development accounted for 61.2 per cent of public spending, or 9.2 per cent of GDP, a real increase of 4.7 per cent over the previous year. It was expected that social spending would continue to grow. His Government's strategy ensured the participation of civil society in the design and implementation of programmes and in the allocation of resources as well as in the definition of activities to implement international commitments.

78. In that context, he noted that a forum for dialogue between the authorities and civil society organizations had been established to define Mexico's positions with regard to the work of the Commission. That forum had expressed strong support for the establishment of a working group on the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

79. It was, indeed, urgent that a mechanism should be established to consider communications from individuals relating to violations of economic, social and cultural rights. Debate on the justiciability of such rights or their progressive nature in no way reduced the obligations of States to make them effective. His delegation called upon the members of the Commission to join in the efforts to develop such an instrument in the near future.

80. Mr. SOUALEM (Algeria), said that the Vienna Conference had stressed that the various categories of human rights were interrelated and underscored the urgent need to devote more attention to economic, social and cultural rights, or, in other words, to the right to development. Violations of those basic rights, such as poverty, hunger, lack of access to drinking water, prostitution, illiteracy, lack of access to education and health care and lack of proper housing were all too prevalent. The gap between the wealthy countries of the North and the poor countries of the South grew steadily wider.

81. Life expectancy had increased in the countries of the Organization for Economic Cooperation and Development (OECD), but life expectancy in Africa had decreased by nearly 10 years over the past decade, largely as a result of the spread of AIDS. The pandemic continued to worsen and calls for development of a vaccine went unheard.

82. Unemployment and underemployment remained a problem; even in the industrialized countries, 25 per cent of employment offers were for part-time work. The 28 million people working in the 845 free zones could not join trade unions and the home countries of multinational companies reaped the benefits of the transfer of value added. It was paradoxical that those companies which were laying off employees throughout the world were the very ones whose stock exchange values had exploded.

83. The list of such invisible violations of human rights was a long one. The countries of the North attempted to avoid their obligations by accusing the countries of the South of bad management or bad governance so as to justify their inaction. The deterioration in the welfare situation would lead to social discontent, political agitation, institutional insecurity and regional instability. Lack of a comprehensive international response to such worldwide problems had already contributed to economic migration and transnational crime. Continued inaction was driving the poor to acts of desperation such as suicide, violence or terrorism.

84. The divisions within societies and within the international community were becoming steadily greater. The special rapporteurs on individual topics had highlighted the serious human rights situation in the world and action must be taken to remedy it. In a globalized world where prosperity must be shared in the framework of a globalized response, the justiciability of economic, social and cultural rights had become a requirement.

85. Ms. NASCIMBENE DE DUMONT (Argentina), having endorsed the statement by the representative of Chile on behalf of the Latin America and Caribbean Group stressed her Government's attachment to economic, social and cultural rights and noted that the reform of 1994 had incorporated into the Constitution the provisions of the International Covenant on Economic, Social and Cultural Rights. At the regional level, consideration was being given to the possibility of her country acceding to the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (the "Protocol of San Salvador").

86. In cooperation with OHCHR, a regional workshop on strategies for the realization of economic, social and cultural rights had been organized in Buenos Aires from 24 to 27 October 2001. The High Commissioner had played an active role in the segment devoted to analysis of the results of the World Conference against Racism. The workshop had dealt with the important issues of the justiciability of economic, social and cultural rights, the challenges of globalization, public policy and the allocation of resources.

87. As a party to the International Covenant on Economic, Social and Cultural Rights, her Government set great store by the work of the Committee on Economic, Social and Cultural Rights. It believed, however, that the Committee could improve its methods of work. The

Committee should be given greater assistance by OHCHR and it should cooperate more closely with the working group on the right to development, whose most recent meeting had produced some welcome conclusions.

88. Economic, social and cultural rights were, of course, closely linked to the right to development. At the recent Monterrey conference, the President of Argentina had said that freedom, democracy, cooperation, the market economy and the fair distribution of wealth were all issues that must be discussed in the context of the right to development. He had also emphasized that development and prosperity were not abstract theories and should not be subject to a trial and error process because they directly affected millions of human beings.

89. Mr. SLABY (Czech Republic), having endorsed the statement by the spokesman for the European Union, stressed the importance of elaborating a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights which would establish a procedure for individual communications. Arguments about the justiciability of those rights were no longer valid and experience with other United Nations communications procedures should serve as an example. Fears and concerns could be overcome by open discussion, concrete arguments and examples and an exchange of experience. He therefore welcomed the report of the independent expert on the question of a draft optional protocol (E/CN.4/2002/57) and encouraged him to continue his research and his dialogue with interested partners.

90. His Government believed that the interdependence and indivisibility of all human rights was the most convincing argument in favour of a draft optional protocol since it would place civil and political and economic, social and cultural rights on an equal footing. His delegation thus fully supported the creation of an open-ended working group of the Commission to elaborate such a protocol.

91. Ms. RUSTAM (Indonesia) said she welcomed the report of the High Commissioner on the impact of globalization on the full enjoyment of human rights (E/CN.4/2002/54) and, in particular, its focus on technology, communications, transport, trade liberalization and the increasing financial flows which affected the growth, size and power of corporations. Without those important components, developing countries were at a disadvantage; unless they succeeded in closing the gap and implemented policies designed to give them the means to compete on an equal footing, their populations would never attain a standard of living sufficient to guarantee their human dignity.

92. Determined to consolidate democracy and promote prosperity, her Government had set out five priorities in its budget for the current year: strengthening of democracy and national unity; economic recovery; the well-being of the people; regional development; and the rule of law. Political and economic structures firmly grounded in democracy and good governance would be created in order to achieve sustainable development, the only weapon against poverty.

93. Since basic needs such as food, health care and education must be met before sustainable development could truly begin, a number of comprehensive programmes in those areas were under way in the context of the "Rice for the Poor" and "A Healthy Indonesia by 2010" strategies. Education, which had suffered as a result of the 1997 economic crisis, was also receiving major additional funding.

94. Education was a necessary tool for breaking the vicious cycle of poverty as well as a means of heightening awareness among men and women of their basic human rights. It played a role in informing women of their right to landownership and other economic rights and the empowerment which the latter implied, as highlighted in the report of the Secretary-General (E/CN.4/2002/53). Given the huge contribution made by women to the economy and sustainable development of most countries, those rights must be available to all women; it was difficult to imagine how progress, whether economic or social, could be achieved otherwise.

95. It was disturbing that, despite the glossy trappings of modern civilization, poverty and its attendant ills were on the increase in many parts of the world. The international community was faced with a considerable but not insuperable challenge and her delegation hoped that the Commission would give the impetus to making economic, social and cultural rights a reality for all the citizens of the world.

96. Ms. MARKUS (Libyan Arab Jamahiriya) took note of the report of the Secretary-General (E/CN.4/2002/50) on economic, social and cultural rights and stressed the importance of the work of United Nations in promoting the realization of economic, social and cultural rights and the need for increased coordination and cooperation between the various treaty bodies to facilitate the full realization of human rights. The question of the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights required further study in order to ensure a positive result.

97. Libya had been one of the first parties to the International Covenant, and in keeping with that the long-standing commitment, her Government provided free education to the entire population, as a result of which illiteracy had been eliminated. All persons were equal before the law and measures had been taken to protect the environment and preserve it for the enjoyment of the people.

98. She regretted that, although the international community repeatedly called for greater cooperation, some States continued to indulge in arbitrary and unilateral measures. Libya had suffered the effects of such measures, which had made it more difficult to guarantee the economic, social and cultural rights of its people. Such measures must end in order to ensure its people's inalienable right to development.

99. The key to ending poverty and fear throughout the world was full implementation of economic, social and cultural rights as well as civil and political rights. Unfortunately many third-world countries still laboured under the burden of external debt, the negative effects of globalization and other obstacles to development. The situation was particularly grave in Africa. The rich countries must work together to ensure debt relief, especially for the poorest countries.

100. Her delegation would continue to work cooperatively with all the Member States, the Commission and OHCHR for the purpose of reinforcing and implementing all categories of human rights throughout the world.

The meeting rose at 1 p.m.